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IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NEW YORK

DENISE CASSESE f/k/a DENISE CALIGIURI,
GEORGE SCOTT RUSH, RICHARD
MELICHAR and RICHARD SCHROER,
individually and on behalf of all others similarly
situated,

Plaintiffs,

v.

WASHINGTON MUTUAL, INC.; and

THE FEDERAL DEPOSIT INSURANCE COMPANY,
in its capacity as receiver for
WASHINGTON MUTUAL BANK,
such entity having incorporated former defendants
WASHINGTON MUTUAL BANK, FA and
WASHINGTON MUTUAL HOME LOANS, INC.,

Defendants.

Civil Action No. 05-02724

Arthur D. Spatt, USDJ
Arlene R. Lindsay, USMJ

U.S. DISTRICT COURT, E.D.N.Y.

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LONG ISLAND OFFICE

STIPULATION OF VOLUNTARY DISMISSAL

The parties, by their respective undersigned counsel, pursuant to Rule 41(a)(1)(A)(ii) of the Federal Rules of Civil Procedure, hereby stipulate and agree to voluntarily dismiss with prejudice Richard Melichar as a Plaintiff in this action and all individual claims asserted by Richard Melichar in this action. The parties further stipulate and agree that this Stipulation shall not be interpreted to waive any other claims, defenses or arguments concerning the remaining parties to this action.

Pursuant to the Section II.B. of this Court's Individual Practices, the remaining parties to this action after the dismissal of Mr. Melichar agree that the caption of this action shall be amended to read as follows:

<p>DENISE CASSESE f/k/a DENISE CALIGIURI, GEORGE SCOTT RUSH, and RICHARD SCHROER, individually and on behalf of all others similarly situated,</p> <p>Plaintiffs,</p> <p>v.</p> <p>WASHINGTON MUTUAL, INC.; and</p> <p>THE FEDERAL DEPOSIT INSURANCE COMPANY, in its capacity as receiver for WASHINGTON MUTUAL BANK, such entity having incorporated former defendants WASHINGTON MUTUAL BANK, FA and WASHINGTON MUTUAL HOME LOANS, INC.,</p> <p>Defendants.</p>	<p>Civil Action No. 05-02724</p> <p>Arthur D. Spatt, USDJ Arlene R. Lindsay, USMJ</p>
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Dated: September 3, 2010
New York, New York

<p>WHALEN & TUSA, P.C.</p> <p><u>/s/ Joseph S. Tusa</u> Joseph S. Tusa (JT 9390) Paul C. Whalen (PW 1300) 33 West 19th Street, Suite 405 New York, NY 10011 Tel: (212) 400-7100 Fax: (212) 658-9685</p> <p>LOWEY DANNENBERG COHEN & HART, P.C.</p> <p>Peter D. St. Philip, Jr. (PS 0726) One North Broadway, 5th Floor White Plains, NY 10601 Tel: (914) 997-5000 Fax: (914) 997-0035</p> <p><i>Attorneys for Plaintiffs and Class Counsel</i></p>	<p>BAKER BOTTS L.L.P.</p> <p><u>/s/ David A. Super</u> David A. Super (<i>pro hac vice</i>) Richard P. Sobiecki (<i>pro hac vice</i>) The Warner 1299 Pennsylvania Ave. NW Washington, DC 20004-2400 Tel: (202) 639-7700 Fax: (202) 639-7890</p> <p><i>Attorneys for the Defendant Federal Deposit Insurance Corporation in its capacity as Receiver for Washington Mutual Bank</i></p>
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	<p>WEIL, GOTSHAL & MANGES LLP</p> <p><u>/s/ John P. Mastando III</u></p> <p>John P. Mastando III Wing F. (Alex) Ng 767 Fifth Avenue New York, NY 10153 Tel: (212) 310-8000 Fax: (212) 310-8007</p> <p><i>Attorneys for Defendant Washington Mutual, Inc.</i></p>
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So Ordered.

U.S.D.J. Arthur D. Spatt
9/7/10